

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(3512 Autumn Drive)		
3 rd Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Council District		
David and Talia Michelsohn	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2020-0098-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owners of the property, David and Talia Michelsohn (“Petitioners”). The Petitioners are requesting Variance relief from §427 of the Baltimore County Zoning Regulations (“BCZR”) to permit a 6 foot high fence in the side yard which adjoins a residential front yard located on the property line in lieu of the required 10 foot setback from adjoining property line. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. There were no adverse ZAC comments received by any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on April 16, 2020, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general

welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 7th day of **May, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §427 of the Baltimore County Zoning Regulations (“BCZR”) to permit a 6 foot high fence in the side yard which adjoins a residential front yard located on the property line in lieu of the required 10 foot setback from adjoining property line, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- The Petitioners may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

Signed
PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:sln